

**ATTACHMENT C**  
**TO MEMORANDUM IN SUPPORT OF MOTION TO ENTER**

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX

UNITED STATES OF AMERICA, and	)	
UNITED STATES VIRGIN ISLANDS	)	
	)	
	)	Civ. No. 1:11-cv-00006 (RAM/GWC)
Plaintiffs,	)	
v.	)	
	)	
HOVENSA L.L.C.	)	
	)	
	)	
Defendant.	)	
	)	

**SECOND MODIFICATION OF THE CONSENT DECREE**

WHEREAS, on June 7, 2011, the Court entered a Consent Decree in the above-captioned matter (ECF Doc. 6).

WHEREAS, on August 25, 2020, the First Modification of the Consent Decree (“First Modification”) was lodged with the Court. (ECF Doc. 12-1).

WHEREAS, upon entry of the First Modification, Limetree Bay will be substituted for HOVENSA as provided therein.

WHEREAS, Paragraph 228 (Modification) of the Consent Decree identifies “non-material modifications to include . . . schedules that do not extend the date for compliance with emissions limitations following the installation of control equipment, provided such changes are agreed upon in writing between the United States and HOVENSA [Limetree Bay].” Paragraph 228 further provides that non-material modifications will be effective when signed by the United States and HOVENSA [Limetree Bay]. (ECF Doc. 6, page 144).

WHEREAS, Paragraph 79.a of the First Modification requires Limetree Bay to “complete a review and verification of the Refinery TAB [total annual benzene] and its compliance with the Benzene Waste NESHAP” by March 30, 2021. (ECF Doc. 12-1, page 27).

WHEREAS, the March 30, 2021 date was set in the belief that the Refinery would restart during the fourth quarter of 2020 and because a Refinery restart in that time frame would have provided sufficient operational data to ensure for a complete review and verification of the Refinery's TAB.

WHEREAS, due to the delay in the Refinery restart, the United States and Limetree Bay agree that there will be insufficient data for a March 30, 2021 review and verification of the Refinery TAB.

WHEREAS, the United States and Limetree Bay have agreed to a second modification that modifies the compliance date set in Paragraph 79.a of the Consent Decree.

WHEREAS, because the compliance date for the review and verification of the Refinery's TAB does not involve the installation of control equipment or emissions limitations following the installation of control equipment, the United States and Limetree Bay agree that this Second Modification of the Consent Decree is a non-material modification, that pursuant to Paragraph 228, does not require written approval by the Court.

NOW THEREFORE, the United States and Limetree Bay hereby modify the Consent Decree, as amended by the First Modification, as follows:

I. Replace Paragraph 79.a with the following:

79. One-Time Review and Verification of the Refinery's TAB and Compliance with the Benzene Waste NESHAP.

a. Phase One of the Review and Verification Process. By ~~March 30,~~  
~~2021~~**November 22, 2021**, Limetree Bay shall complete a review and verification of the Refinery TAB and its compliance with Benzene Waste NESHAP (Phase One Review and Verification). Limetree Bay's review and verification process shall include, but not be limited to:

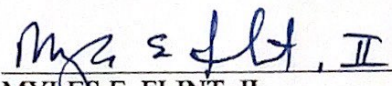
All other terms and conditions of the Consent Decree remain unchanged and in full effect.

THE UNDERSIGNED PARTY agrees to this non-material modification of the Consent Decree in the matter of United States, et al. v. HOVENSA L.L.C.

FOR THE UNITED STATES:

JEAN E. WILLIAMS  
Acting Assistant Attorney General  
Environment and Natural Resources  
Division  
United States Department of Justice

Date: 4/6/2021

  
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District of the Virgin Islands  
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5500 Veterans Drive, Room 260  
St. Thomas, USVI 00802



THE UNDERSIGNED PARTY agrees to this non-material modification of the Consent Decree in the matter of United States, et al. v. HOVENSA L.L.C.

FOR PLAINTIFF THE UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY:

LOREN  
DENTON

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LOREN DENTON  
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ROSEMARIE A. KELLEY  
Director  
Office of Civil Enforcement  
Office of Enforcement and Compliance  
Assurance  
U.S. Environmental Protection Agency

Carroll,  
Thomas

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Thomas  
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THOMAS P. CARROLL  
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OF COUNSEL

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United States Environmental Protection Agency  
1200 Pennsylvania Avenue  
Washington, D.C. 20460



THE UNDERSIGNED PARTY agrees to this non-material modification of the Consent  
Decree in the matter of United States, et al. v. HOVENSA L.L.C.

FOR PLAINTIFF THE UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY  
REGION 2:

Date: \_\_\_\_\_

Schaaf, Eric

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OF COUNSEL:

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THE UNDERSIGNED PARTY agrees to this non-material modification of the Consent Decree in the matter of United States, et al v. HOVENSA L.L.C.

FOR LIMETREE BAY TERMINALS,  
LLC:

Date: March 31, 2021



\_\_\_\_\_  
JEFFREY RINKER  
President and Chief Executive Officer  
Limetree Bay Terminals, LLC  
One Estate Hope  
Christiansted, USVI 00820



THE UNDERSIGNED PARTY agrees to this non-material modification in the matter of  
United States, et al v. HOVENSA L.L.C.

FOR LIMETREE BAY REFINING, LLC:

Date: March 31, 2021



JEFFREY RINKER  
President and Chief Executive Officer  
Limetree Bay Refining, LLC  
One Estate Hope  
Christiansted, USVI 00820